

# **FISCAL MEMORANDUM**

## **HB 43 – SB 582**

April 23, 2008

**SUMMARY OF AMENDMENT (017338):** Deletes the original bill in its entirety. Requires individuals under 21 convicted of first offense DUI to spend a minimum of 48 hours in jail. Current law requires such offenders to spend a minimum of 24 hours in jail. Requires the DUI offender litter pick-up program to be administered by the county probation office. Current law requires the litter pick-up program to be administered by the county sheriff. Exempts counties with a probation office administered by the state Board of Probation and Parole from shifting the litter pick-up program from the sheriff's office. Authorizes litter removal crews to pick up litter on publicly-owned roadways or property in addition to state route highways or state-aid highways.

### **FISCAL IMPACT OF ORIGINAL BILL:**

Increase Local Revenue – Not Significant  
Local Expenditures – Net Impact – Not Significant

### **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase Local Expenditures\* - \$47,600**

Assumptions applied to amendment:

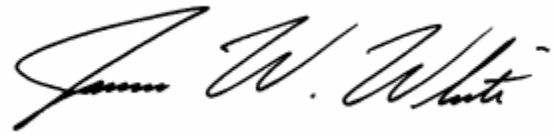
- Approximately 1,280 annual DUI convictions for individuals under 21.
- The number of DUI offenders under the age of 18 is not significant.
- DUI offenders under the age of 21 will serve an additional day of incarceration.
- Based on a weighted-average, local governments receive approximately \$37.18 per inmate per day from the state to house prisoners.
- The amount of state reimbursement to local governments to house prisoners is equivalent to the expense to local governments to house prisoners.
- The total increase in local government expenditures to jail DUI offenders under 21 for an additional day is estimated to be approximately \$47,600 (1,280 x \$37.18).
- Any funds received by a sheriff's office for litter removal will be transferred to the probation office.

- Any increase in local government expenditures associated with the administrative cost of shifting the DUI litter pick-up program from the sheriff's office to the probation office is estimated to be not significant.
- Any county with a probation office administered by the state Board of Probation and Parole will be exempt from the requirement that the litter pick-up program be shifted from the sheriff's office.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/cce